

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

- 1. Plaintiff/Deceased Party:**

Steven Bushman

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Donna Bushman

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator);

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court for the Southern District of Florida

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express Vena Cava Filter
 - G2® X Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter

Denali® Vena Cava Filter

Other:

11. Date of Implantation as to each product:

July 9, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
 - X Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - X Count III: Strict Products Liability – Design Defect
 - X Count IV: Negligence - Design
 - X Count V: Negligence - Manufacture
 - X Count VI: Negligence – Failure to Recall/Retrofit

- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable North Carolina Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

No

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3 RESPECTFULLY SUBMITTED this 29th day of September, 2016.

4 BABBITT & JOHNSON, P.A.
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7 By: /s/ Joseph R. Johnson
8 Joseph R. Johnson (Fla. Bar No. 372250)
9 Suite 100
10 1641 Worthington Road
11 West Palm Beach, FL 33409
12

13 HEAVISIDE REED ZAIC
14

15 By /s/ Julia Reed Zaic
16 Julia Reed Zaic
17 Suite 203
18 312 Broadway Street
19 Laguna Beach, CA 92651
20

21 *Attorneys for Plaintiffs*
22

23 I hereby certify that on this 29th day of September, 2016, I electronically transmitted
24 the attached document to the Clerk's Office using the CM/ECF System for filing and
25 transmittal of a Notice of Electronic Filing.
26

27 /s/ Joseph R. Johnson
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